

# Village of Piketon

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Billy R. Spencer  
Mayor

September 29, 2017

The Honorable Rick Perry  
Secretary of Energy  
Department of Energy  
1000 Independence Ave. SW  
Washington, DC 20511

Dear Secretary Perry,

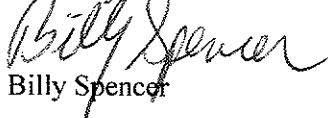
Congratulations on being confirmed as the fourteenth Secretary of Energy and thank you for taking the time to visit the DOE Site in Piketon, Ohio, where DOE is currently cleaning up the contamination left behind by the uranium enrichment operations. This cleanup project is the most important project in southern Ohio, not just because it provides good jobs to about 2,500 people, but because it will remediate decades of chemical and radiological releases to the environment. A full cleanup is imperative to future economic development at this site, and the Village of Piketon fully supports the effort, with one exception: we want the DOE to ship all the D&D waste offsite instead of building a nuclear dump.

Our concerns have been expressed through a third-party assessment, as well as through letters to your project office manager. The responses we have received from DOE are vague and our specific concerns remain unanswered. Our community is done arguing with your field managers. The community has made its position known through official instruments passed by the local elected bodies most affected by this decision. **We oppose onsite disposal and request DOE immediately change course to ship all waste.**

We firmly believe DOE and the community would be better served by constructing a first-class intermodal facility to ship this waste by truck and train to approved off-site disposal facilities in arid climates with very few human and ecological receptors. We ask that you consider building an asset that is aligned with President Trump's vision to improve our country's infrastructure. An intermodal facility will attract development to our community and support the development of a domestic uranium enrichment capability.

The good people of Piketon made great sacrifices to support this mission during the Cold War and we are confident that under your excellent leadership, this cleanup project will make our site and our community worth investing in. Again, congratulations and thank you for your commitment to visit Piketon.

Sincerely,



Billy Spencer

Mayor

## Village of Piketon

RESOLUTION # 2017-11

AUGUST 7, 2017

### A RESOLUTION TO OPPOSE THE CONSTRUCTION OF AN ONSITE WASTE DISPOSAL FACILITY AT THE US DEPARTMENT OF ENERGY'S PORTSMOUTH GASEOUS DIFFUSION PLANT IN PIKETON, OHIO.

WHEREAS the Village of Piketon conducted a Third Party Assessment to independently review the environmental studies completed and verify the data used by DOE at the Portsmouth Gaseous Diffusion Plant to make a decision to construct an onsite waste disposal facility in "Area D";

WHEREAS the Third Party Assessment report indicates that the bedrock underlying "Area D" is fractured below the level represented by DOE in public meetings, in the proposed plan, and in the responsiveness summary in the Record of Decision;

WHEREAS the Third Party Assessment report also indicates that "Area D" cannot meet the requirements of the Toxic Substance Control Act (TSCA). TSCA states that the bottom of the landfill liner system must be at least fifty feet from the historic high water table. The data from DOE's reports indicate that the depth to groundwater measured from the ground surface at the landfill ranges from 21 feet to 97 feet;

WHEREAS the Village of Piketon recognizes that the community at large opposes onsite disposal;

WHEREAS the community's position regarding onsite disposal was documented during the official public comment period and in official instruments passed by the local governments and recognized community groups. Documentation includes the PORTS SSAB Recommendation 15-05, public comments submitted by the Southern Ohio Diversification Initiative board members and legal counsel, and Resolutions passed by the Village of Piketon, Seal Township, Scioto Township, Scioto Valley Local School District, and the Pike County Career Technology Center;

WHEREAS the Village of Piketon has full confidence in the Ohio Delegation to secure sufficient funding levels through appropriations to allow D&D activities to continue uninterrupted and in compliance with the Records of Decision for D&D of the facilities, without stockpiling waste onsite and without impacting current employment levels at the site; and

WHEREAS the Village of Piketon commends DOE for successfully and expediently shipping legacy waste, waste generated by the current deactivation activities in the X-326, and waste generated by the demolition of other facilities, and expects DOE to continue to ship all waste as it is generated by D&D activities to approved offsite disposal facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF PIKETON, OHIO, that the Village of Piketon wishes to make it explicitly clear to the residents of Piketon and Pike County, the Ohio Delegation, and DOE that the community cannot accept the construction of an onsite waste disposal facility at the DOE Portsmouth Gaseous Diffusion Plant in Piketon, Ohio.

PASSED: YES

AUGUST 7 2017  
DATE

Billy R. Spencer  
MAYOR

Cheryl D. Overly  
ATTEST: FISCAL OFFICER

**A RESOLUTION TO OPPOSE THE CONSTRUCTION OF  
AN ONSITE WASTE DISPOSAL FACILITY AT THE US DEPARTMENT OF ENERGY'S  
PORTSMOUTH GASEOUS DIFFUSION PLANT IN PIKETON, OHIO.**

WHEREAS the Village of Piketon conducted a Third Party Assessment to independently review the environmental studies completed and verify the data used by DOE at the Portsmouth Gaseous Diffusion Plant to make a decision to construct an onsite waste disposal facility in "Area D";

WHEREAS the Third Party Assessment report indicates that the bedrock underlying "Area D" is fractured below the level represented by DOE in public meetings, in the proposed plan, and in the responsiveness summary in the Record of Decision;

WHEREAS the Third Party Assessment report also indicates that "Area D" cannot meet the requirements of the Toxic Substance Control Act (TSCA). TSCA states that the bottom of the landfill liner system must be at least fifty feet from the historic high water table. The data from DOE's reports indicate that the depth to groundwater measured from the ground surface at the landfill ranges from 21 feet to 97 feet;

WHEREAS the Scioto Valley Local School District recognizes that the community at large opposes onsite disposal;

WHEREAS the community's position regarding onsite disposal was documented during the official public comment period and in official instruments passed by the local governments and recognized community groups. Documentation includes the PORTS SSAB Recommendation 15-05, public comments submitted by the Southern Ohio Diversification Initiative board members and legal counsel, and Resolutions passed by the Village of Piketon, Seal Township, Scioto Township, Scioto Valley Local School District, and the Pike County Career Technology Center;

WHEREAS the Scioto Valley Local School District has full confidence in the Ohio Delegation to secure sufficient funding levels through appropriations to allow D&D activities to continue uninterrupted and in compliance with the Records of Decision for D&D of the facilities, without stockpiling waste onsite and without impacting current employment levels at the site; and

WHEREAS the Scioto Valley Local School District commends DOE for successfully and expediently shipping legacy waste, waste generated by the current deactivation activities in the X-326, and waste generated by the demolition of other facilities, and expects DOE to continue to ship all waste as it is generated by D&D activities to approved offsite disposal facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE SCIOTO VALLEY LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, that the Scioto Valley Local School District wishes to make it explicitly clear to the residents of the Scioto Valley Local School District and Pike County, the Ohio Delegation, and DOE that the community cannot accept the construction of an onsite waste disposal facility at the DOE Portsmouth Gaseous Diffusion Plant in Piketon, Ohio.

Motion – Mrs. Jenkins    Second – Mr. Smith

Mr. Cutler YEA, Mrs. Jenkins YEA, Mr. Smith YEA, Mr. Stockham Absent, Mr. Wooldridge YEA



Megan Williams, Treasurer/CFO

RESOLUTION # 09-01-2017

SEPTEMBER 4, 2017

**A RESOLUTION TO OPPOSE THE CONSTRUCTION OF  
AN ONSITE WASTE DISPOSAL FACILITY AT THE US DEPARTMENT OF ENERGY'S  
PORTSMOUTH GASEOUS DIFFUSION PLANT IN PIKETON, OHIO.**

WHEREAS the Village of Piketon conducted a Third Party Assessment to independently review the environmental studies completed and verify the data used by DOE at the Portsmouth Gaseous Diffusion Plant to make a decision to construct an onsite waste disposal facility in "Area D";

WHEREAS the Third Party Assessment report indicates that the bedrock underlying "Area D" is fractured below the level represented by DOE in public meetings, in the proposed plan, and in the responsiveness summary in the Record of Decision;

WHEREAS the Third Party Assessment report also indicates that "Area D" cannot meet the requirements of the Toxic Substance Control Act (TSCA). TSCA states that the bottom of the landfill liner system must be at least fifty feet from the historic high water table. The data from DOE's reports indicate that the depth to groundwater measured from the ground surface at the landfill ranges from 21 feet to 97 feet;

WHEREAS Seal Township recognizes that the community at large opposes onsite disposal;

WHEREAS the community's position regarding onsite disposal was documented during the official public comment period and in official instruments passed by the local governments and recognized community groups. Documentation includes the PORTS SSAB Recommendation 15-05, public comments submitted by the Southern Ohio Diversification Initiative board members and legal counsel, and Resolutions passed by the Village of Piketon, Seal Township, Scioto Township, Scioto Valley Local School District, and the Pike County Career Technology Center;

WHEREAS Seal Township has full confidence in the Ohio Delegation to secure sufficient funding levels through appropriations to allow D&D activities to continue uninterrupted and in compliance with the Records of Decision for D&D of the facilities, without stockpiling waste onsite and without impacting current employment levels at the site; and

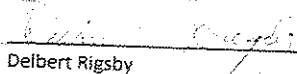
WHEREAS Seal Township commends DOE for successfully and expediently shipping legacy waste, waste generated by the current deactivation activities in the X-326, and waste generated by the demolition of other facilities, and expects DOE to continue to ship all waste as it is generated by D&D activities to approved offsite disposal facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE SEAL TOWNSHIP TRUSTEES, that Seal Township wishes to make it explicitly clear to the residents of Seal Township and Pike County, the Ohio Delegation, and DOE that the community cannot accept the construction of an onsite waste disposal facility at the DOE Portsmouth Gaseous Diffusion Plant in Piketon, Ohio.

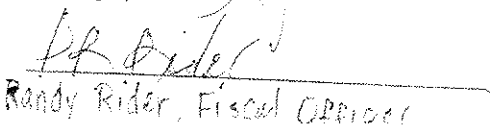
Jason Foster



Paul Goode



Delbert Rigsby

  
Randy Rider, Fiscal Officer

Date

9.4.17

Date

9-2-17

Date

9/4/2017

Date

Minutes of

Scioto Township Trustees

Meeting

Held

3 - 20

20 17

The Board of Scioto Township Trustees, Pike Co. Ohio met on the above date in regular session for the purpose of discussing and acting on any old or new business and for the payment of all bills.

Mr. Pritchett, chairman of the board, called the meeting to order. Roll call resulted as follows:  
Pritchett - yes, Acord - yes, Cuckler - yes.

Minutes of the previous meeting were read by the clerk and approved by the trustees. A financial report was reviewed and approved by the trustees.

Mr. Acord moved to pay the following bills out of the appropriate Funds: Vouchers 7257-72. Mr. Cuckler seconded. Motion App. Mr.

Pritchett moved to adopt the attached Resolution 2017-3. Mr. Cuckler seconded and a vote was taken. Results were: Acord - yes, Cuckler - yes, Pritchett - yes.

Resolution was adopted. With all business concluded Mr. Acord moved to adjourn.

Meeting Adj.  
J. J. Siff  
Twp. Fiscal Officer

[https://www.newswatchman.com/news/article\\_4410d1f7-ca44-5029-89f0-fdde5bdc4c16.html](https://www.newswatchman.com/news/article_4410d1f7-ca44-5029-89f0-fdde5bdc4c16.html)

## Commissioners Foster, Montgomery release statement on onsite waste disposal

Staff Report Sep 13, 2017

Two Pike County Commissioners, Fred Foster and Tony Montgomery, released a statement on September 8 concerning the planned onsite waste disposal facility at the former Portsmouth Gaseous Diffusion Plant at Piketon, stating that they believe "a pause is warranted" until all of their questions are answered.

The statement also calls for a professional independent study of the site to be conducted with no links to those for or against onsite waste disposal.

The complete statement from Foster and Montgomery follows:

*Many of you know us (Tony and Fred) personally and should know that we would never do anything that would hurt the people and future generations of Pike County. In fact, my family (Fred) lives pretty close to the site in question. Tony and I were not involved in all of the meetings (public and professional) and all the final decisions that led to the finalization of the Onsite Waste Disposal Facility (OSWDF). Four counties (Ross, Scioto, Jackson, and Pike) concurred with the final decision that took over five years to make, with the final paperwork submitted shortly after I (Fred) entered office. In addition, this project has been underway for over two years! We are spending numerous hours, days, and weeks trying to become educated on this topic. We have spoken to numerous citizens and experts both for and against the OSWDF. We do not play the political game. We want the hazardous and non-hazardous waste cleaned up in the best way possible. **We ABSOLUTELY want to see those unprotected, existing leaking landfills and plumes inside perimeter road, that have been in the ground for 60 years, cleaned up!** The hazardous materials dumped in those unprotected landfills are the materials that exposed so many workers who eventually lost their lives. We want to ensure that ALL the highly radioactive and highly hazardous materials are shipped out of Pike County ... PERIOD!*

*We acknowledge the public controversy among those for and against the new consolidated landfill. Emotions are running high on both sides. Some believe that the OSWDF will not protect our people and environment, and others believe that it will and that it is the best feasible solution to get the site cleaned up **COMPLETELY**.*

*We want to pursue having a professional independent study to evaluate the results of the Record of Decision (ROD).*

*Currently, in our opinion, we believe that a **PAUSE** is warranted until ALL our questions are answered. Thus, at this time we CANNOT approve of moving forward with the OSWDF until a professional independent study has been conducted, that has no links to either side, and all our questions are answered to allow us to formulate a final opinion.*



COMMISSIONERS ASK  
THAT I HALT ESTABLISHMENT  
ON OSWDF OCCUR.

# RECORD OF ORDINANCES

WAVERLY VILLAGE COUNCIL		REGULAR	
BEAR GRAPHICS 800-325-8294 FORM NO. 30043			
RESOLUTION # 51-2017		AUGUST 15	17
Ordinance No. _____	Passed _____	, 20 _____	
<p align="center"><b>A RESOLUTION TO OPPOSE THE CONSTRUCTION OF AN ONSITE WASTE DISPOSAL FACILITY AT THE US DEPARTMENT OF ENERGY'S PORTSMOUTH GASEOUS DIFFUSION PLANT IN PIKETON, OHIO.</b></p> <p>WHEREAS the Village of Piketon conducted a Third Party Assessment to independently review the environmental studies completed and verify the data used by DOE at the Portsmouth Gaseous Diffusion Plant to make a decision to construct an onsite waste disposal facility in "Area D";</p> <p>WHEREAS the Third Party Assessment report indicates that the bedrock underlying "Area D" is fractured below the level represented by DOE in public meetings, in the proposed plan, and in the responsiveness summary in the Record of Decision;</p> <p>WHEREAS the Third Party Assessment report also indicates that "Area D" cannot meet the requirements of the Toxic Substance Control Act (TSCA). TSCA states that the bottom of the landfill liner system must be at least fifty feet from the historic high water table. The data from DOE's reports indicate that the depth to groundwater measured from the ground surface at the landfill ranges from 21 feet to 97 feet;</p> <p>WHEREAS the Village of Waverly recognizes that the community at large opposes onsite disposal;</p> <p>WHEREAS the community's position regarding onsite disposal was documented during the official public comment period and in official instruments passed by the local governments and recognized community groups. Documentation includes the PORTS SSAB Recommendation 15-05, public comments submitted by the Southern Ohio Diversification Initiative board members and legal counsel, and Resolutions passed by the Village of Piketon, Seal Township, Scioto Township, Scioto Valley Local School District, and the Pike County Career Technology Center;</p> <p>WHEREAS the Village of Waverly has full confidence in the Ohio Delegation to secure sufficient funding levels through appropriations to allow D&amp;D activities to continue uninterrupted and in compliance with the Records of Decision for D&amp;D of the facilities, without stockpiling waste onsite and without impacting current employment levels at the site; and</p> <p>WHEREAS the Village of Waverly commends DOE for successfully and expediently shipping legacy waste, waste generated by the current deactivation activities in the X-326, and waste generated by the demolition of other facilities, and expects DOE to continue to ship all waste as it is generated by D&amp;D activities to approved offsite disposal facilities.</p> <p>NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WAVERLY, OHIO, that the Village of Waverly wishes to make it explicitly clear to the residents of Waverly and Pike County, the Ohio Delegation, and DOE that the community cannot accept the construction of an onsite waste disposal facility at the DOE Portsmouth Gaseous Diffusion Plant in Piketon, Ohio.</p> <p>(Check only one of the following):</p> <p>_____ The second and third readings of this Ordinance are hereby dispensed with, at least five members of Council concurring.</p> <p>_____ This Ordinance read by title only, a majority of Council concurring.</p>			
WAVERLY VILLAGE COUNCIL		REGULAR	



## RECORD OF ORDINANCES

WAVERLY VILLAGE COUNCIL

REGULAR


BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. **RESOLUTION # 51-2017**Passed **AUGUST 15**, 20 **17**

XXX This Ordinance is an emergency for the immediate preservation of the public peace, health and safety of the citizens of Waverly, at least five members of Council concurring.

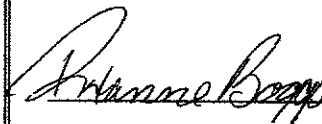
The Ordinance to go into effect the earliest date authorized by law.

Reading 1: \_\_\_\_\_ Reading 2: \_\_\_\_\_ Reading 3: \_\_\_\_\_

 9/19/17

President of Council, Tom Patterson Date

Attest:

 9-20-17

Temporary Clerk of Council Date

Roxanne Boggs

Date submitted to Mayor: 9-5-2017

Approved/Disapproved by Mayor

 9-19-17

Mayor Greg Kempton Date

RESOLUTION # 1 -2017

Sept 1, 2017

**A RESOLUTION TO OPPOSE THE CONSTRUCTION OF  
AN ONSITE WASTE DISPOSAL FACILITY AT THE US DEPARTMENT OF ENERGY'S  
PORTSMOUTH GASEOUS DIFFUSION PLANT IN PIKETON, OHIO.**

WHEREAS the Village of Piketon conducted a Third Party Assessment to independently review the environmental studies completed and verify the data used by DOE at the Portsmouth Gaseous Diffusion Plant to make a decision to construct an onsite waste disposal facility in "Area D";

WHEREAS the Third Party Assessment report indicates that the bedrock underlying "Area D" is fractured below the level represented by DOE in public meetings, in the proposed plan, and in the responsiveness summary in the Record of Decision;

WHEREAS the Third Party Assessment report also indicates that "Area D" cannot meet the requirements of the Toxic Substance Control Act (TSCA). TSCA states that the bottom of the landfill liner system must be at least fifty feet from the historic high water table. The data from DOE's reports indicate that the depth to groundwater measured from the ground surface at the landfill ranges from 21 feet to 97 feet;

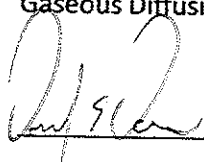
WHEREAS the Pike County Treasurer recognizes that the community at large opposes onsite disposal;

WHEREAS the community's position regarding onsite disposal was documented during the official public comment period and in official instruments passed by the local governments and recognized community groups. Documentation includes the PORTS SSAB Recommendation 15-05, public comments submitted by the Southern Ohio Diversification Initiative board members and legal counsel, and Resolutions passed by the Village of Piketon, Seal Township, Scioto Township, Scioto Valley Local School District, and the Pike County Career Technology Center;

WHEREAS the Pike County Treasurer has full confidence in the Ohio Delegation to secure sufficient funding levels through appropriations to allow D&D activities to continue uninterrupted and in compliance with the Records of Decision for D&D of the facilities, without stockpiling waste onsite and without impacting current employment levels at the site; and

WHEREAS the Pike County Treasurer commends DOE for successfully and expediently shipping legacy waste, waste generated by the current deactivation activities in the X-326, and waste generated by the demolition of other facilities, and expects DOE to continue to ship all waste as it is generated by D&D activities to approved offsite disposal facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE PIKE COUNTY TREASURER, that the Pike County Treasurer wishes to make it explicitly clear to the residents of Pike County, the Ohio Delegation, and DOE that the community cannot accept the construction of an onsite waste disposal facility at the DOE Portsmouth Gaseous Diffusion Plant in Piketon, Ohio.



Donald E. Davis, Pike County Treasurer

Sept 1 2017

Date



Recommendation 15-05  
September 17, 2015

*Portsmouth EM Site Specific  
Advisory Board*

**Chair**

William E. Henderson II

**Vice Chair**

Bob Berry

**Board Members**

Lisa Bennett

Maddeline C. Caudill

Carlton L. Cave

Al Don Cisco

Martha A. Cosby

Ervin S. Craft

John T. Evans

Carl R. Hartley

Brian F. Huber

Ronda J. Kinnamon

Ryan H. Knight

Neil Leist

Bernard S. Neal

Irma C. Payne

Cristy D. Renner

Judy R. Vollrath

**Deputy Designated**

**Federal Official**

Joel Bradburne

**DOE Federal Coordinator**

Greg Simonton

**RECOMMENDATION 15-05: Portsmouth (PORTS) Environmental Management (EM) Site Specific Advisory Board (SSAB) recommends modification to Waste Disposition Record of Decision (ROD)**

**BACKGROUND:** In May 2013, the PORTS EM SSAB passed Recommendation 13-02, which outlined the board's position on waste disposition at the Portsmouth Gaseous Diffusion Plant. The board's position was in line with community sentiment and supported on-site disposal of some decontamination and decommissioning (D&D) waste only if The U.S. Department of Energy (DOE) could explicitly meet six conditions.

- No waste from off-site locations
- The consolidation of landfills within Perimeter Road
- The consolidation of plumes within Perimeter Road
- A concerted effort to recover and recycle nickel with the understanding the nickel barrier material was prohibited from on-site disposal
- The prohibition of any DUF6 material in any of its forms into the on-site disposal cell
- A Department of Energy land use plan on par with the one completed for the Miamisburg Mound facility

Following the Proposed Plan in 2014, DOE conducted a Public Comment Period when community groups, among them the PORTS EM SSAB, objected to the language because it resulted in a lack of commitment from DOE on the conditions for support. Comments were made to strengthen DOE's language in the Record of Decision (ROD), but those comments were ignored.

Under the current Record of Decision (ROD), the community has no guarantees for the cleanup program to accomplish the objective of leaving land within Perimeter Road in a suitable condition for redevelopment, which was the main purpose for our support of partial on-site disposal. Additionally, there is no guarantee from DOE the prohibited items outlined above would not be placed in the on-site disposal cell. The PORTS EM SSAB, elected officials, and other community groups have acted in good faith throughout this process and have no reason to question DOE's intent as anything but genuine. However, without a firm regulatory commitment from DOE, circumstances could change in the future resulting in a change to those intentions. After all, by the time waste would be placed in the on-site disposal cell, a new administration will oversee DOE. DOE has not met the conditions for support for on-site disposal and the community is left in a vulnerable position, and that is unacceptable.

**RECOMMENDATION:** The PORTS EM SSAB withdraws support for on-site disposal under the current conditions and recommends DOE modify the Record of Decision (ROD) to strengthen DOE commitments that are required by the community for support of on-site waste disposal. The PORTS EM SSAB does not object to DOE's plan for D&D of the Portsmouth Gaseous Diffusion Plant, only the lack of commitment from DOE to complete the project in a manner that will foster future development. The board

understands the need for DOE to continue On-Site Waste Disposal Facility (OSDC) construction efforts to align waste disposal with D&D activities and does not object to those efforts continuing, but DOE should recognize the community expects these regulatory deficiencies to be addressed before any waste placement occurs. In other words, DOE's construction efforts should be considered at risk until the community's conditions for support of on-site disposal are satisfied.

As always, the PORTS EM SSAB appreciates DOE's willingness to communicate with the PORTS EM SSAB and all community groups. We look forward to these regulatory deficiencies being addressed and working with DOE on this issue and future issues as the D&D program is executed.

Thank you.

[https://www.newswatchman.com/news/article\\_1c626ea5-7171-5038-8d94-97c2785c29f6.html](https://www.newswatchman.com/news/article_1c626ea5-7171-5038-8d94-97c2785c29f6.html)

## Concerns about onsite waste disposal not new

Staff Report Sep 23, 2017 Updated Sep 23, 2017

With some elected officials and other area residents speaking out against onsite waste disposal at the former Portsmouth Gaseous Diffusion Plant at Piketon, some may assume that the issue of waste disposal is a new one. In fact, concerns were raised by local residents shortly after the Record of Decision (ROD) concerning waste disposal at the site was agreed upon by the U.S. Department of Energy (DOE) and Ohio EPA in 2015.

In September 2015, the PORTS EM SSAB (Site Specific Advisory Board) passed Recommendation 15-05, withdrawing its support for onsite waste disposal under current conditions and recommending that DOE modify the Record of Decision to strengthen DOE commitments that had been required for SSAB's previous conditional support of onsite waste disposal.

The background information provided with Recommendation 15-05 explained that the SSAB passed previous Resolution 13-02 in May 2013, outlining the board's position on waste disposition at the Portsmouth Gaseous Diffusion Plant. Recommendation 13-02 supported waste disposal of some decontamination and decommissioning (D&D) waste only if DOE could explicitly meet six conditions:

1. No waste from off-site locations
2. The consolidation of landfills within Perimeter Road
3. The consolidation of plumes within Perimeter Road
4. A concerted effort to recover and recycle nickel with the understanding the nickel barrier material was prohibited from on-site disposal
5. The prohibition of any DUF6 material in any of its forms into the on-site disposal cell
6. A Department of Energy land use plan on par with the one completed for the Miamisburg Mound facility.

"Following the Proposed Plan in 2014, DOE conducted a Public Comment Period when community groups, among them the PORTS SSAB, objected to the language because it resulted in a lack of commitment from DOE on the conditions for support," the background information for Recommendation 15-05 stated in-part. "Comments were made to strengthen DOE's language in the Record of Decision (ROD), but those comments were ignored. Under the current Record of Decision, the community has no guarantees for the cleanup program to accomplish the objective of leaving land within Perimeter Road in a suitable condition for redevelopment, which was the main purpose for our support of partial on-site disposal.

"Additionally, there is no guarantee from DOE the prohibited items outlined above would not be placed in the on-site disposal cell. The Portsmouth SSAB, elected officials, and other community groups have acted in good faith throughout this process and have no reason to question DOE's intent as anything but genuine. However, without a firm regulatory commitment from DOE, circumstances could change in the future resulting in a change to those intentions. After all, by the time waste would be placed in the on-site disposal cell, a new administration will oversee DOE. DOE has not met the conditions for support for on-site disposal, and the community is left in a vulnerable position, and that is unacceptable."

Recommendation 15-05 itself states that PORTS SSAB does not object to DOE's plan for D&D of the Portsmouth Gaseous Diffusion Plant but only the lack of commitment from DOE to complete the project in a manner that will foster future development.

"The board understands the need for DOE to continue On-Site Waste Disposal Facility construction efforts to align with D&D activities and does not object to those efforts continuing, but DOE should recognize the community expects these regulatory deficiencies to be addressed before any waste placement occurs," the recommendation states in-part. "In other words, DOE's construction efforts should be considered at risk until the community's conditions for support of on-site disposal are satisfied."

In response to the SSAB recommendation, the Pike County Commissioners — at that time Harry Rider, Fred Foster and Blaine Beekman — weighed in with a letter to Will Henderson, then-chair of the SSAB, expressing concerns over SSAB's recommendation withdrawing support for onsite waste disposal.

"We share the concerns listed in your bullet points, but our responses are quite dissimilar, reflecting our very different responsibilities," the commissioners' letter stated in-part. "As an advisory board, the SSAB was comfortable issuing a basic ultimatum that until the bulleted issues were addressed, the SSAB was withdrawing its support for the onsite disposal cell."

"As elected officials in almost constant negotiation with DOE on various site issues, the Pike County Commissioners studied the two Records of Decision to see what points were definitely disapproved and found none. We realize that the Records of Decision were pathways. They were not exact blueprints and working out the details will take time."

The commissioners stated that they will continue to work with DOE and D&D contractor Fluor-BWXT "to ensure the necessary commitments to achieve the future site vision, most significantly with the consolidation of the existing plumes and landfills. While the Record of Decision language is not as strong as we would have preferred, DOE does appear to be moving forward with the actions necessary to achieve the future vision. We, as elected officials, and your board as advisors to DOE are privy to DOE's detailed cleanup plans well in advance of the actual field execution. We see our role as being watchdogs to see that DOE does not vary from its commitments."

"Your declaration that all the bulleted items need to be addressed before you can return support for the waste disposal facility seems shortsighted," the commissioners' letter continued. "Some issues are more complicated and time-consuming ... We commissioners have learned that patience is required when working on a project on the DOE site."

The commissioners stated that they are concerned with some of the wording in the two Records of Decision but that they understand that those issues will continue as part of ongoing discussions between themselves and DOE.

"In your Recommendation section you make the statements that 'DOE should recognize that the community expects these regulatory deficiencies to be addressed before any waste placements occur.' It hardly seems likely that all of your bullet points are going to be addressed quickly," the commissioners stated. "By your statement, you would expect the onsite waste disposal cell not to go into use."

"This would apparently slow some of the planned clean up activities. We have been very concerned about the failure of DOE to provide sufficient funding to carry out the cleanup. We are concerned that the same group in DOE that denied us sufficient funding will seize upon your reaction as an excuse to make further cuts, or to try to stop the cleanup effort altogether."

In response to that letter, Henderson wrote a letter explaining his perspective on the subject. The News Watchman is reprinting that letter from October 2015 in its entirety in order to provide more context for the current debate:

*Fellow Citizens of Southern Ohio,*

*I read with interest the recent article published in the area newspapers regarding the Pike County Commissioners' request that the Portsmouth Site Specific Advisory Board (SSAB) show patience regarding U.S. Department of Energy commitments for community support of an On-Site Disposal Cell*

(OSDC).

*I am the SSAB chairman and in my fifth year of board leadership, in this letter I will not presume to speak for the board, only myself, but I believe the public deserves a broader analysis on this issue. The all-volunteer, non-compensated PORTS-SSAB was designed and chartered under the Federal Advisory Committee Act (FACA), to provide advice from the community's perspective to DOE on issues related to the Piketon site. After years of technical briefings, in-depth analysis, interaction with other DOE sites and various consultations, the board passed a recommendation in 2013 that supported the nuclear waste facility under certain pre-conditions that would foster future economic development.*

*In essence, the board expressed a position that it did not want an OSDC in the community, but the commitments from DOE would make it tolerable to the citizens of southern Ohio. This position was supported by all county commissioners from Pike, Jackson, Ross and Scioto counties. Everyone should be in agreement that the site's current condition is not viable for redevelopment, therefore, the community's future potential is linked to regulatory commitments on behalf of DOE.*

*So let's review. DOE issued a Proposed Plan in 2014 that touted the community's support for the OSDC but did not offer DOE commitments the community saw as pre-cursors for support (landfill and plume consolidation, prohibition of nickel barrier material and DUF6 material in the OSDC). Objections were made by the SSAB, U.S. Senator Sherrod Brown, and none other than members of the Pike County Commission. Those comments indicated to DOE, along with the Ohio EPA, that the language needed to be strengthened in the final Record of Decision that outlined the path forward. Those comments were ignored, and that has left this community in a vulnerable position.*

*All of this is in the context of DOE continually failing to fund this project in a manner that allows our site work force, our regional businesses, and in fact the southern Ohio economy, to function with any sense of stability. As this letter is written, nearly 500 workers with the cleanup operations have uncertain fates because of a funding shortfall, and have only received a limited reprieve through the Continuing Resolution until the middle of December. The plug was also pulled on the American Centrifuge Project.*

*So, as we sit mired in the obvious — that DOE has not made this project a priority — we are weeks away from construction activities beginning on a nuclear waste facility without key DOE commitments that are critical to future site development. How did we allow this to happen? Should we not consider this absurd and wholly unacceptable?*

*Would a bank lend money without an agreement? Would an insurance company provide coverage without an agreement? Would business partners enter into partnerships without an agreement? Would anyone rent a house without an agreement? Why is this even a debate?*

*The SSAB is still in alignment with DOE's path forward, so long as DOE stops making excuses about why it can't make any commitments to this community. The regulatory complexities are understood by everyone, but should that mean the community just throw its hands in the air and surrender its convictions? Of course not.*

*The SSAB has spoken clearly and directly, and its position is supported by elected officials from Pike County to Washington. So, a sincere, genuine question — not meant to be inflammatory — is worth raising.*

*How much patience should this community have regarding DOE's lack of commitment and when should it run out? Certainly, everyone can agree that it should be before nuclear waste is placed in our community.*

**Will Henderson**

**Waverly, Ohio**